

**MINUTES - REGULAR MEETING
SANTA MARIA CITY COUNCIL**

**CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA**

MARCH 15, 2016

INVOCATION:

Dorothy Mogavero of Crestwood Christian Fellowship gave the Invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Councilmember Waterfield led the Pledge of Allegiance.

CALL TO ORDER:

Mayor Patino called the meeting to order at 6:30 p.m.

ROLL CALL:

MEMBERS PRESENT

Councilmembers Boysen, Orach, Waterfield, Zuniga, and Mayor Patino.

STAFF MEMBERS PRESENT

City Manager Haydon, City Attorney Trujillo, Director of Community Development Appel, City Librarian Housel, Director of Public Works/City Engineer Kahn, Interim Fire Chief Scott Kenley, Police Chief Martin, Recreation and Parks Director Posada, Director of Utilities Springer, Deputy City Manager Stilwell, Director of Administrative Services Visé, Project Manager Sweet, and Deputy City Clerk Cleary.

1. PROCLAMATIONS/COMMENDATIONS/PRESENTATIONS:

A. RECREATION AND PARKS VOLUNTEER OF THE MONTH

Mayor Patino presented a certificate of appreciation and plaque to Recreation and Parks Volunteer of the Month, Cristina Sinco, and thanked her for her fundraising efforts on behalf of the Northern Santa Barbara County Olympics and Ovarian Cancer research.

B. PROCLAMATION – AG DAY

Councilmember Zuniga presented a proclamation recognizing March 15, 2016 as “Ag Day” in the City of Santa Maria. Roberta Alderete, Ruth Jensen, and Cathy Fisher accepted the proclamation.

C. ALL-AMERICA CITY COMMITTEE – BAILEY HUDSON COMMENDATION

Resolution No. 2016-21 thanking and commending All-America City Committee Member Bailey Hudson for his service on the Committee, was adopted on motion by Councilmember Boysen, seconded by Councilmember Zuniga, and carried on the following vote: 5-0

AYES: Councilmembers Boysen, Orach, Waterfield, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2016-21 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, COMMENDING BAILEY HUDSON ON HIS DEDICATED SERVICE TO THE ALL-AMERICA CITY COMMITTEE.

D. ALL-AMERICA CITY COMMITTEE – TAHIR MASOOD COMMENDATION

Resolution No. 2016-23 thanking and commending All-America City Committee Member Tahir Masood for his service on the Committee, was adopted on motion by Councilmember Orach, seconded by Councilmember Waterfield, and carried on the following vote: 5-0

AYES: Councilmembers Boysen, Orach, Waterfield, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2016-23 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, COMMENDING TAHIR MASOOD ON HIS DEDICATED SERVICE TO THE ALL-AMERICA CITY COMMITTEE.

Mayor Patino asked Police Chief Martin to give a summary of Operation Matador.

Police Chief Martin announced that 12 days prior, the Santa Maria Police Department had engaged in Operation Matador. The investigation was months in the making and was instigated due to the rise in homicides within the City of Santa Maria over the past eight months. MS-13 (also known as Mara Salvatrucha 13) is one of the most violent gangs in the United States. Mara, meaning “gang” or “group,” stems from a word referring to a fierce type of ant. Salvatrucha means “gorillas” and/or “street smart” or “fierce.” Thus, the term Mara Salvatrucha was created and is the name of the gang responsible for most of the recent homicides in Santa Maria. Although the group is present throughout the U.S., their presence is heavier in California, Mexico, Texas, several East Coast States, and Central America. Prior to the arrests being made in Santa Maria, Boston police had arrested about 36 MS-13 members who had been responsible for a large drug-trade operation.

The group is believed to be responsible for 13 homicides and a number of shootings in the City of Santa Maria. Due to the far-reaching impacts of MS-13, Operation Matador was a collaboration between the Los Angeles Sheriff’s Department Criminalistics Laboratory; the FBI; ICE; the Bureau of Alcohol, Tobacco and Firearms; the Santa Maria Police Department SWAT team; two FBI SWAT teams; the Santa Barbara Sheriff’s SWAT team; the San Luis Obispo SWAT team; and the Oxnard and Lompoc SWAT teams.

Chief Martin showed photos of 16 of the MS-13 members believed to be responsible for several crimes. Six of them will be charged with conspiracy to commit murder. The six each face 150 years in jail, if convicted.

The investigation is on-going. All of the recently arrested members will be arraigned Friday, March 18, 2016.

Mayor Patino thanked Chief Martin and the Santa Maria Police Department for their efforts and acknowledged the fact that no one was hurt during the operation. She also invited everyone to join the group *One Community Action*, a group of concerned residents, at their next meeting scheduled for Wednesday, March 23, 2016 from 6:30 – 8:30 p.m. at the Foursquare Church.

2. PUBLIC COMMENT PERIOD

Satchel Hogan, a sophomore at Santa Maria High School, spoke about the Enos Ranchos project, saying he would be willing to start a campaign to safely relocate and preserve the house on the property.

There were three speakers who spoke on behalf of CAUSE and identified themselves as Olga, Jesus, and Matiaz. They spoke in support of Ag Day and the importance of recognizing the hard work of farm workers. They also spoke of the organization's concern about poor working conditions for farm workers.

City Manager Haydon commented that City staff is in discussions with the Developer and Historical Society regarding the fate of the Enos Ranchos House. He also introduced Utilities Director Springer for an update on the City's water conservation efforts.

Director of Utilities Springer reported that the City met the required cumulative conservation goal through February, although the monthly goal for February fell short with only a six percent conservation. Mr. Springer commented that the unusually hot, dry weather in February contributed to the lower conservation number as water usage went up. He reported rainfall in northern California was at about 80 percent of normal which will aid tremendously in terms of State water levels. Staff still encourages people to save water and to make sure to turn off sprinklers when rain is in the forecast.

Councilmember Boysen asked if the State had indicated they would be increasing their allocation to Santa Maria.

Utilities Director Springer responded that the water was increased in the last couple of weeks, and he expected to receive word of an increase from the State but had not heard anything yet.

3. CONSENT CALENDAR:

Development Director Appel noted that, with regard to Item 3E (Second reading of the Enos Ranchos Specific Plan Amendment ordinance), a packet had been distributed to Council with a few technical adjustments regarding the Specific Plan Amendment. However, the changes would not affect the reading and adoption of Ordinance No. 2016-06.

Consent Calendar Items 3A through 3I were approved on motion by Councilmember Boysen, seconded by Councilmember Orach, and carried on the following vote: 5-0

- AYES: Councilmembers Boysen, Orach, Waterfield, Zuniga, and Mayor Patino
- NOES: None
- ABSENT: None
- ABSTAIN: None

A. ORDINANCES

The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES

The Minutes of the regular Meeting of the City Council of March 1, 2016, were approved as submitted.

C. WARRANTS

Warrant Nos. 199074 to 199309 totaling \$1,467,429.80 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services.

D. PAYROLL

Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. ORDINANCE NO. 2016-06 REGARDING ENOS RANCHOS SPECIFIC PLAN

The City Council conducted the second reading and adopted Ordinance No. 2016-06 repealing the Enos Ranchos (Entrada Este) Specific Plan and adopting the Enos Ranchos Specific Plan amendment.

Ordinance No. 2016-06 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REPEALING THE ENOS RANCHOS (ENTRADA ESTE) SPECIFIC PLAN AND ADOPTING THE ENOS RANCHOS SPECIFIC PLAN AMENDMENT FOR APPROXIMATELY 130 ACRES LOCATED NORTH OF BETTERAVIA ROAD, EAST OF COLLEGE DRIVE, SOUTH OF BATTLES ROAD, AND WEST OF U.S. HIGHWAY 101 FOR ENOS RANCHOS SPECIFIC PLAN AMENDMENT PROJECT (SPZ2015-0001).

F. ORDINANCE NO. 2016-07 AMENDING THE ENOS RANCHOS ZONING MAP

The City Council conducted the second reading and adopted Ordinance No. 2016-07 amending the Official Zoning Map based on the new Enos Ranchos Specific Plan.

Ordinance No. 2016-07 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REZONING APPROXIMATELY 130 ACRES LOCATED NORTH OF BETTERAVIA ROAD, EAST OF COLLEGE DRIVE, SOUTH OF BATTLES ROAD, AND WEST OF U.S. HIGHWAY 101 FOR ENOS RANCHOS SPECIFIC PLAN AMENDMENT PROJECT.

G. ALCOHOLIC BEVERAGE LICENSE EL CAMPESINO MARKET

The City Council made a determination with findings that the public convenience and necessity would be served in the issuance of a Type 21 (Off-Sale General) alcoholic beverage license for sale of packaged beer, wine, and distilled spirits at El Campesino Market, 809 North Broadway, Suite B. Staff was authorized to notify the Alcohol Beverage Control of the action.

H. WEED ABATEMENT PROGRAM 2016

Resolution No. 2016-24 was adopted declaring weeds a nuisance, setting a public hearing for April 19, 2016, to consider any objections or protests to the abatement program, and commencing proceedings for the 2016 Annual Weed Abatement Program.

Resolution No. 2016-24 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DECLARING THAT NOXIOUS OR DANGEROUS WEEDS GROWING UPON OR IN FRONT OF THE LISTED PROPERTY, AND RUBBISH, REFUSE AND DIRT COLLECTED UPON OR IN FRONT OF THE LISTED PROPERTY CONSTITUTE A PUBLIC NUISANCE WHICH MUST BE ABATED, AND COMMENCING PROCEEDINGS FOR THE ABATEMENT OF THESE NUISANCES PURSUANT TO TITLE 5, CHAPTER 8 OF THE SANTA MARIA MUNICIPAL CODE.

I. MOTOROLA SOLUTION, INC. AGREEMENT CHANGE ORDER

Resolution No. 2016-25 was adopted approving Change Order #3 of the Communication System Agreement with Motorola Solution, Inc.

Resolution No. 2016-25 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC WORKS TO ENTER INTO CHANGE ORDER #3 OF THE COMMUNICATIONS SYSTEM AGREEMENT WITH MOTOROLA SOLUTIONS, INC.

4. MEASURE U2012 CITIZENS' OVERSIGHT COMMITTEE ANNUAL REPORT

City Manager Haydon gave a presentation as detailed in the Council Agenda Report. On June 5, 2012, voters of the City of Santa Maria approved Measure U2012 which provided an additional one-quarter cent transactions and use tax. The tax went into place in October 2012 and, in September, the Council established a five-person Measure U2012 Citizens' Oversight Committee charged with ensuring oversight of the revenue in relation to Council's intended use for the tax proceeds.

The Committee consists of five residents: Chair Trent Benedetti, Vice-Chair Jack Owen, Committee Member John Peters, and Committee Member Donna Randolph. There is currently one vacancy on the Committee and City Manager Haydon invited interested parties to contact the City Clerk's Office.

In 2012-13, the City Council approved the Measure U2012 Expenditure Plan authorizing the tax proceeds to finance primarily public safety-related items. Costs were associated with Fire Station No. 5 operations and the hiring of seven Police Officer positions; five Police Sergeant positions; a Fire Battalion Chief; one Crime Analyst; one Dispatcher; one Senior Parks Services Officer; and one Code Compliance Officer. In addition, City Library hours were increased and five limited service employees were hired. One limited service employee was hired to assist the Police Activities League (PAL) Program, and two limited service employees were hired to enhance the City's Graffiti Abatement Program. Funding was also allotted to finance the purchase of four police-related vehicles, convert a limited Emergency Services Coordinator position to part-time, and hire one additional Police Commander.

The 2013-14 Expenditure Plan primarily consisted of items forwarded from the 2012-13 Expenditure Plan. In addition to those items mentioned, there were three other components authorized by Council: 1) a loan to finance the repair of the Santa Maria levee; 2) a new Police Commander position; 3) and financing toward the Annual Audit. Funding was also set aside to be spent on Self-Contained Breathing Apparatuses (SCBA) for the Fire Department.

The 2014-15 Expenditure Plan carried over the on-going expenditures from 2012-13 and 2013-14, in addition to upgrading the 19-hour per week limited service Emergency Services Coordinator position to a 32-hour per week Emergency Services Specialist position; upgrading a vacant Battalion Chief position to that of a Deputy Fire Chief; and providing \$18,000 in appropriations to cover increased utility expenses at the Library.

Funding was also set aside for Capital Outlays, primarily in two public safety departments. \$339,000 was re-programmed from purchasing new SCBA to rehabilitating the current SCBAs, training-related expenses, personnel protective equipment, and other one-time Fire Department Capital expenses and the purchase of a new Bearcat vehicle.

For the 2014-15 fiscal year, the City spent \$4.2 million in Measure U proceeds. More than 91 percent of these expenditures were in public safety with 47 percent on the Fire Department and 44 percent on Police services.

The City spent roughly \$40,000 more than it received in revenues. The beginning fund balance was approximately \$754,000 and the ending fund balance was \$714,000. General fund operating revenues

fell tremendously during the recession losing roughly \$10 million in on-going revenues in four years and the introduction of Measure U has helped the City restore essential services.

City Manager Haydon introduced Measure U2012 Committee Vice-Chair, Jack Owen.

Vice-Chair Owen stated the Committee held two meetings in 2016 and found that 2014-15 expenditures were in accordance with Measure U2012 and Council's direction.

Public Input

There were no requests to speak.

Council Discussion

There was no Council discussion.

The City Council received, and directed staff to file the Measure U2012 Citizens' Oversight Committee 2014-15 Annual Report.

5. APPOINTMENTS TO BOARDS AND COMMISSION

Deputy City Clerk Cleary reported the City Council would have the opportunity to make appointments to the *Central Coast Commission for Senior Citizens, Area Agency on Aging* and the *Recreation and Parks Commission*.

Central Coast Commission for Senior Citizens, Area Agency on Aging

The City Council appointed one new member to the *Central Coast Commission for Senior Citizens, Area Agency on Aging* to fill an unexpired term ending in January 2017. One new application was received from **Lindsay Francis**.

On motion by Mayor Patino, seconded by Councilmember Orach, Lindsay Francis was appointed to the Area Agency on Aging to fill an unexpired term ending in January 2017, and carried on the following vote: 5-0

AYES: Councilmembers Boysen, Orach, Waterfield, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

Recreation and Parks Commission

The City Council appointed one new member to the Recreation and Parks Commission to fill an unexpired term ending in January 2019. Two new applications were received from Rob Litzinger and Rick Martyn.

Councilmember Boysen nominated Rob Litzinger.

On motion by Mayor Patino, seconded by Councilmember Boysen, Rob Litzinger was appointed to the Recreation and Parks Commission to fill an unexpired term ending in January 2019, and carried on the following vote: 5-0

AYES: Councilmembers Boysen, Orach, Waterfield, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

6. DOWNTOWN PERMIT FOR MEDICAL OFFICES AT 361 TOWN CENTER WEST. The City Council considered a recommendation of the Planning Commission to approve a Downtown Permit for 361 Town Center West to reuse an existing 14,600 square foot office building for medical use on a 0.2 acre site in the Town Center district of the Downtown Specific Plan.

Director of Community Development Appel gave the presentation as detailed in the Council Agenda Report. The project site is located in Town Center West. It is on a major corridor of the City and will be more than 10,000 square feet so is coming before Council. The building is a two-story vacated bank building. Several doctors in the City would consolidate into the building and along with a billing department and, possibly, a small laboratory.

The building is 14,600 square feet in size and any unused portion could be rented out to additional doctors.

Applicant Comments

Tom Hsia, with Gastroenterology Medical Group, explained what gastroenterology involves and said the Group collaborates with surrounding medical facilities. They also provide monthly seminars educating the public on colon cancer and other aspects of the field. Mr. Hsia explained that sometimes patients have a hard time finding each doctor's office and the site would be perfect to improve visibility and access to City residents, while offering the doctors an opportunity to provide more services to the community in an efficient manner. The plans include putting in new landscaping, painting the building and replacing the front doors. The first floor will be remodeled to patient/physician offices and exam rooms. A call center, billing office, and staff breakroom will be placed in the basement. The second story will remain basically the same as it is now (with new paint and carpeting) and the group hopes to expand into that area with the option to rent it out to other interested doctors.

Written communications

There were no written communications.

Public Hearing

Mayor Patino opened the Public Hearing at 7:32 p.m. and hearing no requests to speak, immediately closed the Public Hearing.

Council Discussion

There was no council discussion.

Resolution No. 2016-26 was adopted approving Downtown Permit DT2016-0004 for a Medical Office at 361 Town Center West, on motion by Councilmember Zuniga, seconded by Councilmember Waterfield, and carried on the following vote: 5-0

AYES: Councilmembers Boysen, Orach, Waterfield, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2016-26 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING DOWNTOWN PERMIT DT2016-0004 FOR A MEDICAL OFFICE AT 361 TOWN CENTER WEST.

7. DOWNTOWN PERMIT FOR THE MALHOTRA MIXED USE PROJECT AT 504 SOUTH BROADWAY. The City Council considered the recommendations of the Planning Commission to approve a Downtown Permit for 504 South Broadway to convert an existing building into 36 residential studio units and 11 commercial units on a 0.7 acre site in the Gateway district of the Downtown Specific Plan (DTSP).

Community Development Director Appel gave a presentation as detailed in the Council Agenda Report. The project is located between the Santa Maria Public Library and Sula Restaurant on the east side of Broadway.

It is part of the DTSP being on a major corridor of the City and 16,700 square feet in size. The building was constructed in 1959 as a motel and is now housing several different businesses. Recently, the applicant Atul Malholtra, purchased the property and came to City staff to learn more about making improvements on the property and how best to incorporate it into the Downtown Plan.

The front end of the building would be completely redone. Concern has been expressed by the owners of Sula Restaurant that their events center and restaurant activities may disrupt residents living in the proposed property. Community Development Director Appel provided a revised set of conditions for review. Condition No. 4 dealing with concerns regarding noise had been revised to propose that 10 units on the second floor facing the restaurant remain commercial and 10 units on the first-floor be retrofitted as studio apartments. The applicant agreed there would not be H-2A housing for farmworkers. Residential leases would be for one-year, when possible. Condition No. 23 specified that the easement would be recorded prior to first occupancy of the remodeled units. Incoming tenants would be asked to sign a full-disclosure document stating they are aware of the business next door, the parking rules, and potential for noise.

Councilmember Boysen asked if Condition No. 28 could be added to the list of conditions requiring the disclosure statement be provided to each tenant.

Community Development Director Appel agreed to do so.

Councilmember Zuniga asked if staff had an opinion about the flow of the project splitting up the residential and business portions.

Community Development Director Appel responded that staff's preference was to leave the residential upstairs and the commercial component on the first floor. However, given the preference of the owners, staff agreed to be flexible.

Councilmember Waterfield asked about trash issues that might arise in the breezeways upstairs with that many residents living upstairs and if there was a clause prohibiting hanging laundry out to dry or trash cans in the breezeways.

Community Development Director Appel responded that there were two full-sized trash containers on the property and staff did not believe it would be an issue. There were no specifications regarding the breezeways, but Mr. Appel suggested speaking with Mr. Malhotra about setting some rules.

Mayor Patino and all Councilmembers stated they had had ex-parte communications with the applicant and Sula Restaurant owners.

Applicant's comments

Atul Malhotra responded to the question about disclosures saying the lease disclosures were part of Condition No. 5 which also state that, when possible, residential leases shall be signed for one year. He went on to explain how the proposed project was in line with the DTSP where the City encourages living downtown and allows residents and businesses to co-exist. He acknowledged the Sula Restaurant owners had expressed concern about noise and parking issues. His proposed solutions included using triple-paned windows, sufficiently insulating the walls, and making sure units facing the restaurant would be kept commercial and immune to the restaurant noises. Mr. Malhotra also stated there would be ample parking for residents. The City's Municipal Code requires 20 parking spaces for the project, and he commented that there would actually be 40 spaces for parking. He said he would make full disclosure to residents regarding parking in the adjacent parking structure at the public library. Additionally, there would be a clause in the lease stating nothing should be kept in the breezeways. Residents would not be allowed to store a bike, put a chair, hang any clothes, or keep trash in the breezeways. Breezeways would be kept free for walking.

Councilmember Boysen asked if a condition could be placed on the project specifying the rules and regulations be carried over should ownership of the property be transferred to someone else.

Councilmember Waterfield asked if there would be elevators and how residents would access the property during parades or events in the area.

Mr. Malhotra responded that since the building was built prior to 1991, he was not required to have elevators. The property has four stairways and he stated he did not want to install elevators as they would be a large additional expense to the project. Handicapped residents would not need the elevators if the residential units were kept on the first floor. There would be no egress allowing people to exit during parades.

Councilmember Zuniga asked about possible impact of trying to rent to businesses given that they would be upstairs and not visible to the street.

Mr. Malhotra said there were currently a couple of businesses using the property who have been able to make it work for them. He stated he believed the easy walking distance to other businesses in the downtown might make up for the lack of visibility.

Councilmember Waterfield asked if the Planning Commission or staff had suggested speaking with the owners of Sula Restaurant to collaborate and make the project work.

Mr. Malhotra responded he had not taken the opportunity to speak with the restaurant owners as he did not think the proposed project would interfere with their business. He also said he would be willing to meet with the owners of Sula.

Councilmember Orach asked about the fence and gate located on the property and how parking would be enforced at night should a business on the site have an evening meeting.

Mr. Malhotra responded the lease would have specific parking rules and the fence and gate would be under his control. A key would not be given to tenants.

Councilmember Boysen asked if there was a purpose for the gate and if it could be removed.

Mr. Malhotra responded he was not sure why the gate is there.

Community Development Director Appel stated staff would check with the fire department to see if the gate was required to be there.

Written communications

There were no written communications.

Public hearing

Mayor Patino opened the Public Hearing at 7:58 p.m.

Martin Mariscal, resident of the City, said he was looking forward to the DTSP and has purchased property in the area. He stated he had mixed feelings about the project. He expressed concern that there was no living space designated for handicapped residents. He asked if there would be fire sprinklers given that the property was being converted to residential. He asked if there were any conditions specific to undocumented residents on the property. He also said the gate has always been an issue on the property and the use for it unknown. He suggested building a wall between the two properties.

Daniel Murphy, owner of Murphy Chiropractic across the street from Sula Restaurant, expressed concern for the uses of the property, the types of businesses that may rent the space, and potential parking issues. He also asked if the previous rental history of the applicant had been researched.

Gayle Macias spoke against the project saying it was basically glorified motel rooms. She stated she was unsure about renting to Hancock College students and young professionals, and/or whether they could co-exist. She also expressed concern over potential parking issues and bicycle storage.

Tom Lopez, with Sula Restaurant, stated he thought the project appeared to be watered-down efficiency dwelling units that would not provide enough parking.

Peter Lopez, with Sula Restaurant, expressed concern for parking issues. He asked what would happen if businesses had vehicles that parked overnight on the property. He also said he was concerned about noise issues from his business interfering with residents living on the property.

Councilmember Zuniga asked if Mr. Lopez had previously rented parking spaces on the back of his property to the City.

Mr. Lopez said he had rented spaces to the City during construction of the library, but he believed the lease had expired since then. He said he did not think the back of the property could be blocked off as it was an easement.

Public Works Director Kahn confirmed there is an easement behind the property to the south of the library and there is also an easement through the parking lot that accesses McClelland Street.

Councilmember Zuniga asked Mr. Lopez if he would be interested in renting parking spots to Mr. Malhotra for his tenants.

Mr. Lopez commented that he wished he would have taken the opportunity to discuss that option with

Mr. Malhotra.

Hearing no other requests to speak, Mayor Patino closed the Public Hearing at 8:15 p.m.

Council discussion

Councilmember Boysen asked Community Development Director Appel for his response to what had been discussed so far.

Community Development Director Appel responded that a new Condition No. 28 would be added to the list specifying that the lease agreement would contain wording prohibiting placement of anything in breezeways. And Condition No. 29 stating that, as long as there was not a fire requirement that the gate remain open, the gate would be sealed. There would not be fire sprinklers.

Mr. Malhotra said he had researched sprinklers and because the building was built prior to 1991 (in 1959), no elevator or sprinklers were required.

Councilmember Waterfield expressed concern with the kitchenettes and asked for a description of them. She also asked if there was a fire wall between the units. She stated she was also concerned about the lack of communication between the owners of Sula Restaurant and Mr. Malhotra. She reiterated that the owner of a property could not dictate who could rent the building.

Community Development Director Appel responded that the kitchenettes would be built according to code and inspected for safety.

Councilmember Boysen stated he viewed the project as an opportunity to start developing the Downtown Specific Plan. He said he supported putting the residential units on the north side of the project and keeping the commercial side on the south side of the building. He stated parking requirements are already specified in the DTSP. He asked staff to explore the possibility of a fire wall in the units for increased safety.

Councilmember Zuniga stated the Council was committed to the DTSP and establishing mixed use projects such as this one. She also said she supported the idea of putting in a wall between the properties.

Councilmember Orach expressed concern with parking issues. He said he supported the idea of the wall dividing the property from the restaurant. He said he was concerned the development may not be children friendly and wondered what would happen if families move in. He said he hoped the two property owners could work together to make the project work.

Mayor Patino said she supported the proposed project and thought that tenants would not rent there if they did not want to. As they would be renters, they would always have the option to leave if they were not happy there.

Councilmember Boysen proposed adding Condition No. 30 requiring a six-foot high masonry wall between the properties.

Councilmember Zuniga asked what the cost of that would be to the applicant.

Community Development Director Appel proposed Condition No. 30 would read the owner shall replace the chain link fence with a solid wall a minimum of 6 feet in height. The wall shall be constructed prior to

first occupancy. If the wall cannot be constructed, the project shall come before City Council for reconsideration.

Mr. Malhotra stated that requiring the masonry wall would not be a deal killer, but would cost \$15,000 to \$20,000 to install. He proposed sealing off the gate and putting in extensive landscaping and trees along the already present chain-link fence (or changing the fence to wrought iron) in lieu of expensive construction. He also stated bike racks and storage would be included in the project.

Councilmember Zuniga asked for something more visually appealing than a chain link fence. With regard to Condition No. 4, she suggested all residential units be upstairs and no businesses be allowed to operate in the evening, thus leaving more parking for residents at night.

Councilmember Boysen withdrew his suggestion to create Condition No. 30 and expressed interest in going forward with decorative chain-link fencing. He also recommended, with regard to Condition No. 4, the redline changes be eliminated and the developer be allowed to place residents and businesses in units as he preferred.

Resolution No. 2016-27 was adopted, approving Malhotra Mixed-Use Downtown Permit DT2016-0001 at 504 South Broadway, on motion by Councilmember Boysen, seconded by Councilmember Zuniga, and carried on the following vote: 4-1

AYES: Councilmembers Boysen, Orach, Zuniga and Mayor Patino
NOES: Councilmember Waterfield
ABSENT: None
ABSTAIN: None

Resolution No. 2016-27 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING MALHOTRA MIXED-USE DOWNTOWN PERMIT DT2016-0001 AT 504 SOUTH BROADWAY.

Mr. Lopez asked for clarification as to whether or not a masonry wall would be constructed between the Malhotra property and Sula Restaurant.

Community Development Director Appel responded that a solid wall would not be required. The applicant would work with the five foot landscaping and would put in a decorative fence to make it more visually appealing while providing a barrier between the properties.

8. VERIZON WIRELESS APPEAL OF THE PLANNING COMMISSION DENIAL OF A CONDITIONAL USE PERMIT. The City Council considered an appeal by Sequoia Deployment Services, Inc., on behalf of Verizon Wireless, of the Planning Commission's denial of a conditional use permit to construct a 50-foot tall mono-pole telecommunications tower at 232 North Benwiley Avenue.

Mayor Patino recused herself from hearing the project due to a conflict of interest and asked Mayor Pro Tem Waterfield to continue the meeting in her absence. Mayor Patino left the Chambers.

Community Development Director Appel gave a presentation as detailed in the Council Agenda Report. The site is located north of Main Street, west of Depot Street, and south of Fesler. There are several homes nearby and a warehouse immediately next to the site. There is already a PG&E tower that is about 75 feet high and the proposed Verizon tower would be about 50 feet high.

The Planning Commission had two hearings regarding the Verizon tower. The first was November 4th, the second December 16th. Staff initially recommended the project, but the Commission believed there was more information needed. The Applicant took the Community Development Department's public hearing notice and modified it to do a mailing to residents in a 300-foot radius of the site. The Commission requested a neighborhood meeting or a door to door walk through to let neighbors know about the project. The Applicant was reluctant to do a walk through. In addition to the mailing, the Applicant texted residents asking if they would like improved services in the area, but not disclosing the proposed tower placement. At the December 16th meeting, the Planning Commission suggested a continuance to the end of January to which the Applicant responded they would take a denial. At the end of December, the Applicant filed an Appeal based on their belief that the Planning Commission lacked substantial evidence for finding a denial and that the denial violated other provisions of federal law and constituted a prohibition of service.

With regard to the lack of substantial evidence, Community Development Director Appel stated the negative aesthetic impacts are sufficient justification for the Planning Commission to deny a permit. Additionally, the City has administrative guidelines for wireless communication facilities stating new facilities should be sited to minimize visual impacts. Antennas should be located out of the skyline as much as possible and towers should conform to the height of the zone district.

With regard to the Appellant's claim that the denial was a prohibition of service, Community Development Director Appel cited the Appellant's Necessity Case stating that adequate phone service already exists in this part of the City. There was no substantiating evidence to support a claim that a "minority community" was not receiving wireless service. And, there was no evidence that lack of a new telecommunication facility would interfere with Police maintaining the safety of the community.

Councilmember Boysen mentioned a correction to the Council Agenda Report for the item and corrected the Planning Commission vote to 3-1 in support of the denial.

Appellant's comments

Pete Shubin, representing Sequoia Deployment Services, Inc., introduced himself and stated he was attending the meeting on behalf of Verizon Wireless. He said the company had considered a monopine disguise for the tower that would make it look like a tall pine tree. A water tank design was also discussed, that would be similar to the water tank in Orcutt. The Planning Commission had requested an outdoor antennae system that would have been much lower, but would mean antennae nodes would be immediately adjacent to homes. The outdoor antennae system had been used in Montecito a few years ago, but did not provide the necessary service needed to accommodate customers in the area.

The Benwiley location is a high voice and data use area for Verizon. The proposed tower is the most efficient way to provide Verizon service to the area. The alternative would be to put multiple nodes next to homes. A tower has back-up power in the event of a power outage whereas individual nodes do not. It is also easier to upgrade compared to individual nodes.

Mr. Shubin stated Verizon chose not to go door to door out of a concern for how accurate the outcome of their survey would be. They were concerned about going back to the Planning Commission having to say that no one had been home. Instead a mailer, in both English and Spanish, was mailed to owners and occupants in the area. This resulted in one phone call from the public asking for more information and why they received the mailing. Verizon also broadcasted a text to Verizon users in the area which resulted in 820 positive responses and 17 negative responses.

On February 18, Verizon conducted outreach efforts at the monthly Healthy School Pantry Event. They set up a booth and let people in the area know about the project. A sign-up sheet was available for people in support of the project to sign. Exhibits were laid out on the booth for residents to learn more about the project.

Councilmember Zuniga asked why Verizon had turned down the opportunity to walk through the neighborhood and do outreach to residents.

Mr. Shubin responded that Verizon had been told by the property owner that the site was located between two groups that tend to fight with each other, so there were some concerns about safety. Mr. Shubin stated there was also concern about residents feeling like they were being approached by solicitors if Verizon representatives had gone door-to-door.

Councilmember Zuniga stated that there had been 1,200 attendees at the Healthy Pantry Event and the Verizon booth spoke with approximately 50-60 people, and 15 people signed the sign-up sheet in support of the project.

Councilmember Zuniga asked about the validity of the signatures on the sign-up sheet given that they did not include addresses. She also said she was concerned about Mr. Shubin's characterization of the neighborhood as being unsafe. She asked if Verizon's business plan was to erect the towers in socio-economic blighted neighborhoods. She also said she was one of the people who received the text and did not believe it accurately represented the project as it only asked if the customer would like to improve their service. She also said she supported the Planning Commission and the way they have handled the project.

Mr. Shubin responded that Verizon was trying to build sites everywhere and provide services to everyone. The issue for Verizon has not been a question of individual communities, but more the fact that everyone in the City deserved good wireless service.

Councilmember Boysen stated he had had ex-parte communications with Sequoia Deployment Services, Inc.

Councilmember Waterfield asked how the number of customers benefiting from the tower would be determined.

Dewayne Bonham, an engineer with Verizon Wireless, explained that the site was being considered as it is equidistant between two adjacent sites. The decision had nothing to do with the socio-economics of the neighborhood. However, Verizon has learned that with neighborhoods with a high population of rental properties have more people concentrated in smaller spaces, These people tend to have less access to WiFi, and are more likely to use their smart phones for all of their wireless needs. These areas are being identified as areas in need of reliable service, much more so than the more affluent neighborhoods. Wireless service currently in the neighborhood is below the standard of what Verizon would like to provide. Wireless use after school lets out in the neighborhood surges by about 30 to 40 percent and Verizon wants to make sure to provide quality service to those users.

Paul Albritton, also representing Verizon, stated that placing the tower on the proposed site would benefit each surrounding Verizon facility making the service better for the entire City. The tower would have nice landscaping all the way down the access roadway. The dominate tower will be the PG&E tower, not the Verizon tower. All seven requirements of the City's code are met by the project. Verizon believes that facilities serving the area have reached their maximum capacity, and currently, there is a capacity gap in

service at the site. Generally Verizon is being directed away from residential areas and toward industrial zones like this neighborhood. Verizon's intention is to provide service to the Santa Maria area in a way that is not offensive and Verizon believes locating this tower in a commercial zone next to a 75-foot existing PG&E tower is the best way to go. Mr. Albritton also commented he believed that Verizon went beyond what the other applicants at this Council meeting had been required to do in terms of noticing. He closed his comments saying that if there was anything else Verizon could do to hold a community meeting or work on additional designs, they would be happy to.

Councilmember Zuniga stated she would be happy to help coordinate a neighborhood meeting and assist with more outreach efforts.

Dewayne Bonham stated the height of a tower needed to be at least 15 feet above the adjacent building on the site in order to not have interference.

Development Director Appel stated the height of the tallest antennae in Santa Maria is about 110 feet and located at the Police Department.

Paul Albritton stated that Verizon believes this is an approvable project and he asked that Council take into account the application that had been submitted and the fact that it meets the code requirements. He reiterated Verizon would be happy to work on further community outreach, if requested to do so.

Written communications

There were no written communications.

Public hearing

Mayor Pro Tem Waterfield opened the Public Hearing at 9:35 p.m. and hearing no requests to speak immediately closed the Public Hearing.

Council discussion

Councilmember Orach suggested giving Verizon more time in an effort to keep good wireless service in the City.

Councilmember Waterfield stated that she was surprised that anyone would object to Verizon's effort to provide better service in the area. She commented that she already has a tower in the vicinity of her home. She suggested discussing the design of the tower further.

Councilmember Orach said he also had a tower in the vicinity of his home.

Councilmember Boysen stated he was satisfied with the notification Verizon had done. He also said he believed the need for the service was sufficient, particularly given that an additional 80 units is being proposed in the area. He said he did not support monopines, but would support a water tower.

Motion was made by Councilmember Boysen to grant the appeal by Verizon Wireless on the condition that the cell tower be designed as a water tower, seconded by Councilmember Orach, and carried on the following vote: 3-1-1

AYES: Councilmembers Boysen, Orach, and Waterfield
NOES: Councilmember Zuniga
ABSENT: Mayor Patino
ABSTAIN: None

Resolution No. 2016-28 was NOT adopted denying the appeal and upholding the Planning Commission's denial of the Conditional Use Permit for Verizon Wireless, U2015-0008, 232 North Benwiley Avenue.

REPORT BY CITY MANAGER:

City Manager Haydon reported the next meeting would be April 5, 2016, and would include a couple of proclamations; a couple of public hearings regarding the Betteravia Plaza Development Agreement Amendment and the annual CDBG/HOME Investment Partnership Program allocations; and an item regarding a Business Cooperation and Retention Program. Mr. Haydon also reminded everyone about the One Community Action Meeting scheduled for March 23 at the Foursquare Church, 709 N. Curryer from 6:30-8:30 p.m.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS (INCLUDING AB1234 REPORTS):

Councilmember Boysen stated he had nothing to report.

Councilmember Orach reported that he attended a LAFCO meeting; spoke to the Leadership Santa Maria group; attended Principal for a Day at Jimenez School; and participated in the City Council Goal Setting Workshop.

Councilmember Waterfield reported that she read to several groups of students during Dr. Seuss Day; participated in Principal for a Day at Ontiveros School; and toured Vandenberg Air Force Base.

Councilmember Zuniga reported that she met with City Attorney Gil Trujillo, Chief Martin, and Commander Hansen regarding Operation Matador; attended the Principal for a Day Chamber Luncheon at the Elks Lodge; and attended the City Council Goal Setting Meeting. She also commented that Santa Maria resident, Joann Marmalejo, had passed away.

Mayor Patino reported that she attended a meeting regarding Operation Matador; participated in a Community Health Needs Assessment survey with Marion Medical Center; attended the Quarterly Schools Meeting; attended the Principal for a Day luncheon; attended the City Council Goal Setting Workshop; and spoke on the Ben Heighes Radio Show.

ADJOURNMENT:

There being no further business before the City Council, Mayor Patino declared the City Council meeting adjourned at 9:52 p.m.

APPROVED:

April 5, 2016
Date

M. Beth Cleary
Deputy City Clerk and ex officio Clerk of the City
Council

ATTEST:

M. Beth Cleary
Deputy City Clerk

Alice M. Patino
Mayor of the City of Santa Maria